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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,007	10/20/2003	Joachim Lutz	TRW(REPA)6789	4099

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EXAMINER

FREEDMAN, LAURA BETH

ART UNIT	PAPER NUMBER
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3616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/689,007

Applicant(s)

LUTZ ET AL.

Examiner

Laura B. Freedman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-9, and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed 16 November 2006, in which claims 1, 2, 7, 8 were amended, claim 10 was canceled, and claim 11 was added.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4-9, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Yanagibashi et al. (6,854,762). Yanagibashi et al. disclose an airbag module (including #26, 27) for a vehicle occupant restraining system, the air bag module comprising:

- Gas lance (for example, including #54) that can feed gas from a gas generator (including #26) into an airbag (including #52)
- Housing (including #51) that accommodates the gas lance (can be seen in figure 5)
- Connection extension (for example, including #39, 44) able to be connected to the gas generator (can be seen in figure 3)
- Connection extension projecting so far out of the housing that it penetrates into the gas generator installed outside of the housing (can be seen in figures 3, 4), thereby

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fastening the gas lance directly to the gas generator (connection extension directly fastens gas lance to gas generator via its connection at one end to the gas lance and at the other end to the gas generator)

- Connection extension serves to supply the gas lance with compressed gas from the gas generator as well as mechanically attach the gas generator to the airbag module (can be seen in figures 1, 2, 6)
- Connection extension projects so far out of the housing that it can penetrate right through the gas generator installed outside of the housing (it is possible for this to occur)
- The gas lance is T-shaped in an area of the connection extension (for example, top of T is formed by clamp #55 and bottom of T is formed by #54 as it extends from #55 and #44 in to the housing)
- Housing is made of plastic (column 4, line 25; synthetic resin is a "plastic")
- The gas generator is tubular (can be seen in figures 3, 4) and has a longitudinal axis (for example, Li or Lc, as seen in figures 3, 4)
- Connection extension penetrates into the gas generator crosswise to the longitudinal axis and in a middle thereof (can be seen in figure 3)
- Housing accommodates the airbag that surrounds the gas lance (can be seen in figure 5)
- The gas lance includes an elongated tube (for example, including #54) extending inside the housing (top portion of #54 extends inside housing #51)

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- The connection extension extends laterally from the elongated tube (portion #44 of connection extension can best be seen extending laterally from elongated tube of gas lance in figures 5, 6)

In regards to the housing being configured as an extruded profile, the method of forming the device is not germane to the issue of patentability of the device itself.

Therefore, this limitation has not been given patentable weight.

Allowable Subject Matter

4. Claim 3 is allowed.

Response to Arguments

5. Applicant's arguments filed 16 November 2006 have been fully considered but they are not persuasive.

With respect to page 7, while the majority of Yanagibashi et al.'s gas lance (#54) is positioned outside the housing (#51), the housing still accommodates the gas lance, as Merriam-Webster defines the term "accommodate" to mean "to make room for; to hold without crowding".

With respect to pages 7-8, Yanagibashi et al.'s connection extension (#39, 44) fastens the gas lance (#54) directly to the gas generator (#26) via its connection at one end to the gas lance and at the other end to the gas generator (as seen in figures 3, 5, 6), in a similar manner to applicant's claimed invention, in which the connection extension (#36) fastens the gas lance (#22) directly to the gas generator (#40) via its

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connection at one end to the gas lance and at the other end to the gas generator (as seen in figure 8).

With respect to pages 8-9, Yanagibashi et al.'s connection extension (including #39, 44) does mechanically attach the gas generator to the airbag module, as set forth in the claims. While it appears that the applicant is trying to impart more structure than is being claimed, this limitation only distinguishes the attachment between the components as being mechanical, as opposed to electrical, hydraulic, or some other type of connection.

With respect to page 9, the source of compressed gas, and as amended the gas generator, has always been interpreted in light of applicant's specification and drawings as the entire gas generator unit (#40), which includes various components, such as combustion chambers (#42), a connection tube (#44), and other features. Similar to applicant's disclosure, in which the connection extension (#36) penetrates into a component of the gas generator unit (specifically, the connection tube), Yanagibashi et al. disclose the connection extension (#39, 44) penetrating into a component of the gas generator unit (specifically, the housing).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Freedman whose telephone number is (571) 272-6674. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Laura B Freedman
Patent Examiner
Art Unit 3616

LBF

 1/30/07
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